

# UAW LEGAL SERVICES PLAN

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August 29, 2003

Hon. Maura D. Corrigan  
Chief Justice  
Michigan Supreme Court  
And the Associate Justices  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, Michigan 48909

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OFFICE OF  
THE CHIEF JUSTICE

Re: Proposed Amendment to Appellate Rule 7.212

To the Justices:

As general counsel for the UAW Legal Services Plans, I am writing to concur with the many attorneys who have written in opposition to the proposed changes in Michigan Court Rule 7.212, which would reduce the time available for filing appellate briefs.

The UAW Legal Services Plan provides legal services to UAW-represented employees of Ford, GM and DaimlerChrysler. The Plan represents more than 350,000 such workers, retirees and family members in Michigan; in 2002, the Plan opened more than 97,000 cases in this state alone. We employ 165 full time Michigan attorneys, many of whom represent Plan clients in litigation matters. In 2002 and 2003, the Plan was involved in more than 25 appeals in the Michigan state courts, including several before the Michigan Supreme Court. Our appellate practice is steadily increasing, and so we are very concerned about the changes proposed in the appellate court rules.

The Court has readily admitted that its goal in amending the rules is to reduce the backlog of cases in the appellate courts. The Plan and its clients certainly believe this to be a laudable goal. It is not clear to us, though, how reducing the time provided to attorneys to research and write their briefs will assist the court in reaching this goal. In our view, constricting the time in which briefs must be filed (while simultaneously eliminating the parties' ability to stipulate to an extension of time) will not contribute to more efficient court administration, but rather will reduce the quality of legal work presented before appellate judges.

Many cases before the Court of Appeals have voluminous records that include extensive transcripts. These "box cases" require time to check the record and read through the transcripts. In cases where appellate counsel did not handle the case at the trial court level, additional time is required to obtain clarification from trial counsel and the client, as well as to investigate the possibility of off-record issues that should be presented on appeal.

Reducing the time available for filing briefs inevitably will result in lower-quality briefs being submitted to the Court of Appeals. The Court's prehearing attorneys (many of whom have gone on to work for the Plan) will then face having to invest even more time to ensure that the Judges have proper bench briefs. As other respondents have observed, the situation is likely to result in appellate opinions that do not have the appropriate depth of analysis and consequently do not give appropriate guidance to the trial courts. Clients, attorneys, judges, and the general public would be ill-served by such developments. Therefore, the proposed changes to MCR 7.212 should be rejected.

Yours truly,

A handwritten signature in cursive script, reading "Deborah Brouwer".

Deborah Brouwer  
Plan Counsel